

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23192 of 2022

Arising Out of PS. Case No.-222 Year-2022 Thana- SHERGHATI District- Gaya

Manesh Kumar Son of Nanak Das @ Nanhak Das R/O Village- Devan Chak,
P.S.- Guraru, District- Gaya

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Anand

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Sherghati (Dobhi) P.S. Case No. 222 of 2022 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, there is alleged recovery
of 295.5 litre foreign liquor from the vehicle in question and
petitioner has been apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 14.03.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and he has no concern with the seized vehicle in question. There is no compliance of Section 100 Cr.PC.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Act, Court No. 2, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 222 of 2022 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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